



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

**JONATHAN C., by his parents and
next friends Tammy and Fred C.,
Plaintiff,**

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§
§

v.

§ **CIVIL ACTION NO. 9:05-CV-43**

**ALBERT HAWKINS, in his official
capacity as COMMISSIONER, TEXAS
HEALTH AND HUMAN SERVICES
COMMISSION,
Defendant.**

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**MEMORANDUM ORDER ADOPTING MAGISTRATE JUDGE'S REPORT
AND GRANTING MOTION FOR ATTORNEY FEES**

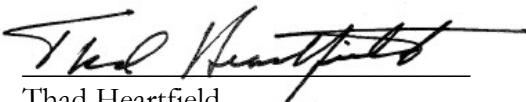
Pursuant to 28 U.S.C. § 636(b) and the Local Rules for the United States District Court for the Eastern District of Texas, the Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration. Pending before the Court is the *Plaintiff's Motion for Attorney's Fees* [Clerk's doc. #50]. The magistrate judge recommended that the Court grant the motion and award the requested fee to counsel for the prevailing Plaintiff.

The Court has received and considered Judge Giblin's report and the proposed findings and recommendation set forth therein. The parties have not filed objections.

Accordingly, the Court **ORDERS** that the report of the magistrate judge [Clerk's doc. #59] is **ADOPTED**. The *Plaintiff's Motion for Attorney's Fees* [Clerks' doc. #50] is **GRANTED**. The Court incorporates Judge Giblin's findings on the appropriateness of the fee award in support of this order, and the Court finds that the amount requested is reasonable and compensable under law.

The Defendant is **ORDERED** to pay Peter Hoefer of Advocacy, Inc., counsel for the prevailing plaintiff, an attorney fee in the amount of \$40,500.00 in fees and \$703.15 in allowable travel expenses, for a total award of **\$41,203.15**, plus applicable interest until paid. The Court further **ORDERS** that the fee should be paid within sixty (60) days of entry of this order.

SIGNED this the **16** day of **April, 2007**.



Thad Heartfield
United States District Judge